

MAR 10 2008

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

MOLLY DWYER, ACTING CLERK  
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JUVENILE,

Defendant - Appellant.

No. 07-30255

D.C. No. CR-07-00038-SEH

MEMORANDUM \*

Appeal from the United States District Court  
for the District of Montana  
Sam E. Haddon, District Judge, Presiding

Submitted February 26, 2008\*\*

Before: BEEZER, FERNANDEZ, and McKEOWN, Circuit Judges.

W.J.A., a juvenile, appeals from the district court's adjudication of juvenile delinquency and imposition of 24-months detention for abusive sexual contact and criminal trespass, in violation of 18 U.S.C. §§ 1153 and 2242(2)(B), and Montana

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Code Annotated § 45-6-203. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

W.J.A. contends that the district court abused its discretion by denying his Fed. R. Crim. P. 16(a)(1)(F) motion requesting disclosure of information concerning a Federal Bureau of Investigation (“FBI”) laboratory test. This contentions lacks merit.

The government complied with Fed. R. Crim. P. 16(a)(1)(F) by disclosing the test itself and stipulating that W.J.A.’s DNA was not found in the results. The additional requested information concerning FBI protocols and testing procedures was beyond the scope of information required to be disclosed. *See United States v. Iglesias*, 881 F.2d 1519, 1523 (9th Cir. 1989). Moreover, W.J.A. has not borne his burden of showing how this information was material to his defense or that his substantial rights were prejudiced. *See United States v. Santiago*, 46 F.3d 885, 894 (9th Cir. 1995).

The government’s unopposed motion to correct the record to include the FBI laboratory test is granted. *See Fed. R. App. P. 10(e)(2)*.

**AFFIRMED.**